

RECEIVED

JAN 08 2019

CLERK, U.S. DISTRICT COURT
FERGUS FALLS, MINNESOTA

James and Jerome Bricks
2861 State Highway 9
Breckenridge, MN. 56520

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES Bricks, and, Jerome Bricks, an individual
Plaintiff

- vs -

To be Provided by Clerk of the Court
CASE NO. 19cv44 WMW/LIB

Smith, Streege, Fredericksen, Butts, &
Clark, Ltd, d/b/a Smith & Streege, Ltd
and Richard, E.T. Smith
Defendants

JURISDICTION
UNDER 28, U.S.C. § 1331
Demand For Jury Trial

COMPLAINT

Comes now, Plaintiff's, James and Jerome Bricks, both individuals in
Proper Person, Complainting of Defendant's, Smith, Streege, Fredericksen, Butts
& Clark Ltd, d/b/a Smith & Streege, Ltd and Richard, E.T. Smith, and
for Plaintiff's Cause of action Plaintiff's alleges the following:

(1)



JURISDICTION AND VENUE

1.) Plaintiffs James and Jerome Bricks are residents of Wilkin County Minnesota.

2.) Defendants, Smith, Strega, Frederickson, Butts & Clark Ltd, d/b/a, Smith & Strega, Ltd and Richard E.T. Smith, are all residents of Wahpeton, North Dakota, which is its principal place of business is in North Dakota.

3.) This action is a civil action of which this court has original Jurisdiction under 28 U.S.C. § 1331, and is one which was remove from the lower court pursuant to 28 U.S.C. § 1441(c) in that this is a civil action arising under the Constitution, laws, or treaties of the United States.

4.) This court has supplemental jurisdiction over the related State law claims pursuant to 28 U.S.C. § 1362 as they are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

5.) Venue is appropriate in the unofficial Southern District of the Court pursuant to 28 U.S.C. §§ 1393(b)(2) and (c), 1441(a); and L.R. 1A6-1.

6.) Defendants that are named in this action are attorneys or lawyer in a corporation organized and existing under the laws of the State of North Dakota, with its principal place of business in North Dakota

7.) This Complaint contains allegation that Defendants violated Plaintiff's Fourteenth Amendment Due Process and Equal Protection rights guaranteed by the United States Constitution, Complaint seeks general damages in Excess of \$10,000.00, Special damages in Excess of \$10,000.00, And Punitive damages in excess of \$20,000,000.00 and attorney's fees and costs.

GENERAL ALLEGATION

8.) Plaintiff's James Briks and Jerome Briks are siblings of Donald Briks, who passed away on September 9, 2010, and before he passed...

Donald Briks hired Defendants to establish a Trust Defendant MR. Smith drafted the trust and Donald conveyed most of his property to this trust. Defendant MR. Smith also prepared quitclaims deeds for the purpose of a loan that was taken out by Farm Credit Services, Donald agreed to this transfer of real estate into his revocable Trust which he, in turn, mortgaged in favor of Farm Credit Services to support the lending he was pursuing.

Plaintiff alleges that the defendant's failed to draw up any written agreement between the Plaintiff's our Donald Bricks to detail the intentions of the parties that Plaintiff's should remain the actual owners of their Shares in the Property.

Plaintiff also Alleges that the Defendant's violated Due Process and Equal Protection, when they allowed some other person other than an attorney, employee or agent with the Defendant's law firm attached copies of an document entitled Exhibit A, to the Legal documents that were suppose to be submitted for legal purposes. The alleged property was error transferred because of the direct action of the defendant's, Plaintiff's objected to the defendant's actions because Plaintiff's is the beneficiaries of the interest in the property. Defendant's after all the above discovered that they had a conflict of interest and referred the entire matter to Outside Counsel.

Whereas in 2018, Plaintiff discovered that upon information and belief all action taken by the defendant's, were in furtherance of his/her duties as an Attorney that was representing the Plaintiff's in their real property, because of defendant's Action Plaintiff has lost considerable funds and investments that could have been made with those funds, Whereas, defendant's conduct was extreme and outrageous that violated Plaintiff's constitutional rights, and cause harm to Plaintiff.

FIRST CLAIM FOR RELIEF Violation of Due Process and Equal Protection

9.) Plaintiff repeats and realleges paragraphs (1) through (8) and by this reference incorporates the same herein as though set forth in full,

10.) Upon information and belief, the actions of defendants as alleged above constitute willful violations of several Constitutional Amendments Rights, including but not limited to United States Constitution Number, 14, Due Process and Equal Protection.

11.) Plaintiff has suffered injury by the violations of one or more of the above - cited Constitution Amendments, and is therefore entitled to actual damages and any punitive damages which the facts may warrant.

12.) As a direct and proximate result of the action of Defendants the Plaintiff has suffered damages in an amount in excess of,
TEN THOUSAND DOLLARS, [\$10,000.00]

13.) As a direct and proximate result of the action of Defendants, for Special Damages, in an amount in excess of,
TEN THOUSAND DOLLARS, [\$10,000.00]

14.) As a further and direct result of the defendants action Plaintiff is entitled to Punitive or Exemplary damages and request a set amount of, TWENTY MILLION DOLLARS, [\$ 20,000,000.00]

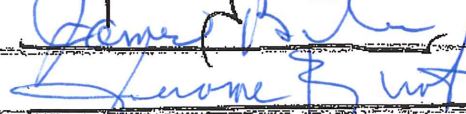
15.) As a further and direct proximate result of the action of Defendants Plaintiff's may have to retain the services of an Attorney to prosecute this action, and is entitled to reasonable attorney fees and cost of suit therein

PRAYER FOR RELIEF

WHEREFORE, Plaintiff pray for judgment against Defendants as follows:

- 1.) For general damages in excess of \$ 10,000,00,
- 2.) For special damages in excess of \$ 10,000,00
3. Punitive or Exemplary damages in Excess of [\$ 20,000,000.00]
- 4.) Attorney fees and cost of suit, and any other relief this Court see fit.

Respectfully Submitted



By Proper Person

2861 State Highway 9
Breckinridge, MN. 56520